

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 23 dated 2-9-2004 namely, Extraordinary dated 3-9-2004 from pages 557 to 560 regarding Notifications from Department of Law & Judiciary (Legal Affairs Division) and Department of Panchayati Raj and Community Development (Directorate of Panchayats).

Department of Law and Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Railways (Amendment) Act, 2003 (Central Act No. 56 of 2003), which has been passed by the Parliament and assented to by the President of India on 30-12-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31-12-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 18th May, 2004.

GOVERNMENT OF GOA

Department of Labour

Order

22/6/2003-LAB

Sanction of the Government is hereby accorded for upgradation of the pay scale of the post of Presiding Officer, Industrial Tribunal-cum-Labour Court from Rs. 14,300-18,300 to Rs. 16,750-20,500.

The salary shall be debited to the Budget Head 2230—Labour and Employment, 01—Labour, 101—Industrial Relation, 07—Setting up of Industrial Tribunal-cum-Labour Court(P), 01—Salaries.

This issues with the concurrence of the Finance(R&C) Department vide their U.O. No. 2347-F dated 19-8-2004 and Administrative & Reforms Department vide their U. O. No. US(AR)/1900/F dated 23-3-2004.

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Panaji, 30th August, 2004.

THE RAILWAYS (AMENDMENT) ACT, 2003

AN

ACT

further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Railways (Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 137.*— In section 137 of the Railways Act, 1989 24 of 1989. (hereinafter referred to as the principal Act), in sub-section (3), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

3. *Amendment of section 138.*— In section 138 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Notification

10/3/2003-LA (Part)

The Appropriation (Railways) Act, 2004 (Central Act No. 10 of 2004), which has been passed by the Parliament and assented to by the President of India on 7-2-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-2-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE APPROPRIATION (RAILWAYS) ACT, 2004

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated

Fund of India for the services of the financial year 2003-04 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) Act, 2004.

2. *Issue of Rs. 1033,77,98,000 out of the Consolidated Fund of India for the financial year 2003-04.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sums of one thousand thirty-three crores, seventy-seven lakhs and ninety-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2003-04, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	2		3	
3.	General Superintendence and Services on Railways .....	...	5,23,000	5,23,000
4.	Repairs and Maintenance of Permanent Way and Works.....	...	68,11,000	68,11,000
5.	Repairs and Maintenance of Motive Power .....	...	1,18,000	1,18,000
6.	Repairs and Maintenance of Carriages and Wagons .....	...	50,02,000	50,02,000
7.	Repairs and Maintenance of Plant and Equipment .....	...	71,000	71,000
8.	Operating Expenses—Rolling Stock and Equipment .....	...	11,64,000	11,64,000
9.	Operating Expenses—Traffic .....	...	10,67,000	10,67,000
11.	Staff Welfare and Amenities .....	...	5,75,000	5,75,000
12.	Miscellaneous Working Expenses .....	...	9,99,61,000	9,99,61,000
14.	Appropriation to Funds	187,00,00,000	....	187,00,00,000
15.	Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortization of Over-Capitalization.....	335,25,00,000	....	335,25,00,000
16.	Assets—Acquisition, Construction and Replacement— Revenue	9,99,74,000	26,000	10,00,00,000
	Other Expenditure			
	Capital	300,00,00,000	...	300,00,00,000
	Railway Funds	146,76,41,000	39,26,000	147,15,67,000
	Railway Safety Fund	6,000	...	6,000
	Special Railway Safety Fund	40,64,15,000	2,20,18,000	42,84,33,000
	TOTAL	1019,65,36,000	14,12,62,000	1033,77,98,000

Notification

10/3/2003-LA (Part)

The Appropriation (Railways) No. 2 Act, 2004 (Central Act No. 11 of 2004), which has been passed by the Parliament and assented to by the President of India on 7-2-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-2-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

**THE APPROPRIATION (RAILWAYS) No. 2
ACT, 2004**

AN

ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of railways during the financial year ended on the 31st day of March, 2002 in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 2 Act, 2004.

2. *Issue of Rs. 210,70,50,825 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st day of March, 2002.*— From and out of the Consolidated Fund of India the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred ten crores, seventy lakhs, fifty thousand, eight hundred and twenty-five rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2002, in excess of the amounts granted for those services and for that year.

3. *Appropriation.*— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2002.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	2		3	
3.	General Superintendence and Services on Railways .....	...	6,55,479	6,55,479
4.	Repairs and Maintenance of Permanent Way and Works .....	...	7,07,849	7,07,849
7.	Repairs and Maintenance of Plant and Equipment .....	...	3,83,181	3,83,181
8.	Operating Expenses—Rolling Stock and Equipment .....	...	89,081	89,081
9.	Operating Expenses—Traffic .....	...	20,67,315	20,67,315
11.	Staff Welfare and Amenities .....	...	8,13,804	8,13,804
15.	Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortization of Over-Capitalization	209,58,57,115	...	209,58,57,115
16.	Assets—Acquisition, Construction and Replacement—			
	<i>Other Expenditure</i>			
	Capital .....	...	33,84,815	33,84,815
	Railway Safety Fund .....	...	1,39,186	1,39,186
	Special Railway Safety Fund .....	...	29,53,000	29,53,000
	TOTAL	209,58,57,115	1,11,93,710	210,70,50,825

Notification

10/3/2003-LA (Part)

The Appropriation (Railways) Vote on Account Act, 2004 (Central Act No. 12 of 2004), which has been passed by the Parliament and assented to by the President of India on 7-2-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-2-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

**THE APPROPRIATION (RAILWAYS) VOTE ON
ACCOUNT ACT, 2004**

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-05 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) Vote on Account Act, 2004.

2. *Issue of Rs. 26111,87,00,000 from and out of the Consolidated Fund of India for the financial year 2004-05.*— From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sums of twenty-six thousand one hundred eleven crores, and eighty-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	2	3		
1. Railway Board		24,11,67,000	...	24,11,67,000
2. Miscellaneous Expenditure (General)		84,66,67,000	...	84,66,67,000
3. General Superintendence and Services on Railways		573,30,17,000	33,333	573,30,50,333
4. Repairs and Maintenance of Permanent Way and Works		1121,41,98,000	70,000	1121,42,68,000
5. Repairs and Maintenance of Motive Power		576,56,22,000	16,667	576,56,38,667
6. Repairs and Maintenance of Carriages and Wagons		1141,42,45,000	...	1141,42,45,000
7. Repairs and Maintenance of Plant and Equipment		630,75,89,000	...	630,75,89,000
8. Operating Expenses—Rolling Stock and Equipment		938,62,74,000	...	938,62,74,000
9. Operating Expenses—Traffic		2953,83,79,000	...	2953,83,79,000
10. Operating Expenses—Fuel		2760,66,58,000	...	2760,66,58,000
11. Staff Welfare and Amenities		470,05,62,000	98,333	470,06,60,333
12. Miscellaneous Working Expenses		576,57,67,000	11,94,03,000	588,51,70,000
13. Provident Fund, Pension and Other Retirement Benefits		2186,51,14,000	22,01,333	2186,73,15,333
14. Appropriation to Funds		3206,66,67,000	...	3206,66,67,000
15. Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortization of Over-Capitalization		24,45,22,000	...	24,45,22,000
16. Assets—Acquisition, Construction and Replacement— Revenue		11,66,67,000	...	11,66,67,000
Other Expenditure				
Capital		6514,64,28,000	2,66,66,668	6517,30,94,668
Railway Funds		1084,76,67,000	33,33,333	1085,10,00,333
Railway Safety Fund		133,66,67,000	...	133,66,67,000
Special Railway Safety Fund		1081,96,67,000	33,33,333	1082,30,00,333
TOTAL		26096,35,44,000	15,51,56,000	26111,87,00,000

Notification

10/3/2003-LA (Part)

The Foreigners (Amendment) Act, 2004 (Central Act No. 16 of 2004), which has been passed by the Parliament and assented to by the President of India on 20-2-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-2-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE FOREIGNERS (AMENDMENT) ACT, 2004

AN

ACT

further to amend the Foreigners Act, 1946.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the Foreigners (Amendment) Act, 2004.

2. *Substitution of new sections for section 14.*— For section 14 of the Foreigners Act, 1946, the following 31 of 1946 sections shall be substituted, namely:—

‘14. *Penalty for contravention of provisions of the Act, etc.*—Whoever—

(a) remains in any area in India for a period exceeding the period for which the visa was issued to him;

(b) does any act in violation of the conditions of the valid visa issued to him for his entry and stay in India or any part thereunder;

(c) contravenes the provisions of this Act or of any order made thereunder or any direction given in pursuance of this Act or such order for which no specific punishment is provided under this Act,

shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if he has entered into

a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him.

Explanation.— For the purposes of this section, the expression “visa” shall have the same meaning as assigned to it under the Passport (Entry into India) Rules, 1950 made under the Passport (entry into India) Act, 1920. 34 of 1920.

14A. *Penalty for entry in restricted areas, etc.*— Whoever—

(a) enters into any area in India, which is restricted for his entry under any order made under this Act, or any direction given in pursuance thereof, without obtaining a permit from the authority, notified by the Central Government in the Official Gazette, for this purpose or remains in such area beyond the period specified in such permit for his stay; or

(b) enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, under the provisions of any order made under this Act or any direction given in pursuance thereof,

shall be punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him.

14B. *Penalty for using forged passport.*— Whoever knowingly uses a forged passport for entering into India or remains therein without the authority of law for the time being in force shall be punishable with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees.

14C. *Penalty for abetment.*— Whoever abets any offence punishable under section 14 or

section 14A or section 14B shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

Explanation.— For the purposes of this section,—

(i) an act or offence is said to be committed in consequence of the abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the offence;

(ii) the expression "abetment" shall have the same meaning as assigned to it under section 107 of 45 of 1860. the Indian Penal Code.'

Notification

10/3/2003-LA (Part)

The British Statutes (Repeal) Act, 2004 (Central Act No. 17 of 2004), which has been passed by the Parliament and assented to by the President of India on 20-2-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-2-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE BRITISH STATUTES (REPEAL) ACT, 2004

AN

ACT

to repeal the British Law Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861, the Colonial Probates Act, 1892, in so far as they apply to India, and the India (Consequential Provision) Act, 1949.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the British Statutes (Repeal) Act, 2004.

2. *Definition.*— In this Act, "British Statutes" means the British Law

Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861, the Colonial Probates Act, 1892, in so far as they apply to India, and the India (Consequential Provision) Act, 1949.

24 & 25
Vict. C. 11,
55 & 56
Vict. C. 6,
12, 13, &
14 Geor.
VIC. 92.

3. *Repeal.*— The British Statutes are hereby repealed.

Notification

10/3/2003-LA

The Marriage Laws (Amendment) Act, 2003 (Central Act No. 50 of 2003), which has been passed by the Parliament and assented to by the President of India on 23-12-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-12-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 18th May, 2004.

THE MARRIAGE LAWS (AMENDMENT) ACT, 2003

AN

ACT

further to amend the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title.*— This Act may be called the Marriage Laws (Amendment) Act, 2003.

CHAPTER II

Amendments to the Special Marriage Act, 1954

2. *Amendment of section 31.*— In the Special Marriage Act, 1954 (hereinafter referred to as the Special Marriage Act), in section 31, in sub-section (1), after clause (iii), the following clause shall be inserted, namely:—

43 of 1954.

"(iii) in case the wife is the petitioner, where she is residing on the date of presentation of the petition; or".

3. *Amendment of section 39.*— In section 39 of the Special Marriage Act, in sub-section (4), for the words "period of thirty days", the words "period of ninety days" shall be substituted.

CHAPTER III

Amendments to the Hindu Marriage Act, 1955

4. *Amendment of section 19.*— In the Hindu Marriage Act, 1955 (hereinafter 25 of 1955. referred to as the Hindu Marriage Act), in section 19, in sub-section (1), after clause (iii), the following clause shall be inserted, namely:—

"(iii) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or".

5. *Amendment of section 28.*— In section 28 of the Hindu Marriage Act, in sub-section (4), for the words "period of thirty days", the words "period of ninety days" shall be substituted.

CHAPTER IV

Miscellaneous

6. *Transitory provision.*— All decrees and orders made by the court in any proceedings under the Special Marriage Act or the Hindu Marriage Act shall be governed under the provisions contained in section 3 or section 5, as the case may be, as if this Act came into operation at the time of the institution of the suit:

Provided that nothing in this section shall apply to a decree or order in which the time for appealing has expired under the Special Marriage Act or the Hindu Marriage Act at the commencement of this Act.

Notification

10/3/2003-LA

The Electricity (Amendment) Act, 2003 (Central Act No. 57 of 2003), which has been passed by the Parliament and assented to by the President of India on 30-12-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated

31-12-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 18th May, 2004.

THE ELECTRICITY (AMENDMENT) ACT, 2003

AN

ACT

to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Electricity (Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 14.*— In section 14 of the Electricity Act, 2003 36 of 2003. (hereinafter referred to as the principal Act), in the sixth proviso, for the brackets and words "(including the capital adequacy, creditworthiness, or code of conduct)", the words "relating to the capital adequacy, creditworthiness, or code of conduct" shall be substituted.

3. *Amendment of section 42.*— In section 42 of the principal Act, in sub-section (2), after the fourth proviso, the following proviso shall be inserted, namely:—

"Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003, by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt."

4. *Substitution of new section for section 121.*— For section 121 of the principal Act, the following section shall be substituted, namely:—

"121. *Power of Appellate Tribunal.*— The Appellate Tribunal may, after hearing the Appropriate Commission or other interested

party, if any, from time to time, issue such orders, instructions or directions as it may deem fit, to any Appropriate Commission for the performance of its statutory functions under this Act."

5. *Amendment of section 135.*— In section 135 of the principal Act, in sub-section (2),—

(i) in clause (a), for the words "has been, is being, or is likely to be," the words "has been or is being" shall be substituted;

(ii) in clause (b), for the words "has been, is being, or is likely to be," the words "has been or is being" shall be substituted;

6. *Substitution of new sections for sections 139 and 140.*— For sections 139 and 140 of the principal Act, the following sections shall be substituted, namely:—

"139. *Negligently breaking or damaging works.*— Whoever, negligently breaks, injures, throws down or damages any material connected with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.

140. *Penalty for intentionally injuring works.*— Whoever, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may extend to ten thousand rupees."

7. *Amendment of section 146.*— In section 146 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121."

Department of Personnel

Notification

3/5/89-PER (Part)

Read: Notification of even number dated 10-8-2004.

In exercise of the powers conferred by the proviso of Article 309 of the Constitution of India, the Government is pleased to amend the Goa Civil Service Rules, 1997, as under:

1. *Short title and commencement.*— (1) These rules may be called as Goa Civil Service (Second Amendment) Rules, 2004.

(2) They shall be deemed to have come into force with effect from 27-2-2003.

2. *In Schedule I of Goa Civil Service Rules, 1997,—*

(a) at Senior Posts after Serial No. 9 the following shall be inserted.

"(10) Superintendent of Jail1"

(b) In entry at Serial No. 13 in the Junior Posts the words "Superintendent of Jail" shall stand deleted.

3. *Repeal.*— The Notification of even number dated 10-8-2004, stands hereby repealed.

By order and in the name of the Governor of Goa.

S. V. Naik, Joint Secretary (Personnel).

Panaji, 3rd September, 2004.